

SECRET

334

Approved For Release 2002/01/31 : CIA-RDP57-00384R000500140032-9

Office Memorandum • UNITED STATES GOVERNMENT

TO : MEMORANDUM FOR THE RECORD

DATE: 30 July 1952

FROM :

25X1A

SUBJECT:

Applicable Statutory Law Relating to Disposition
of Unpaid Compensation and Withheld Contributions
Towards Retirement

25X1A

OGC Has Reviewed

1. Under Section 1 of P. L. 636 of the 81st Congress, 1st Session (5 USCA 61(f) et seq.) approved August 3, 1950, and effective 120 days thereafter, entitled an "Act to Facilitate the Settlement of Accounts of Certain Deceased Officers and Employees of the Government", all "unpaid compensation" due the subject employee at the date of his death shall be paid, in the absence of his designation or a surviving wife or children, to his parents. "Unpaid compensation", as the term is used in this statute, means the "pay, salary or allowances, or other compensation due on account of the services of the decedent for the Federal Government....". It includes without limitation per diem in lieu of subsistence, mileage and amounts due in reimbursement of travel, including miscellaneous and incidental expenses, all quarters and cost of living allowances, overtime or premium pay, and payment for all accumulated and current accrued annual or vacation leave. See 5 USCA 61(g).

2. Section 4 of P. L. 636, by its express terms, provided that the provisions abstracted above would not apply to "any benefits, refunds or interest payable under the Retirement Act applicable to the decedent's service or to amounts the disposition of which is otherwise expressly proscribed by Federal law."

3. The return of withheld retirement contributions made by the subject is governed by Section 724(e)(2) of Title 49 USCA. The fourth paragraph of this subsection provides that in the absence of a written designation filed with the Civil Service Commission, benefits will be payable to the parents.

25X1A

OGC/GHK:imm

Distribution -

Orig & 1 - OGC

SECRET

Approved For Release 2002/01/31 : CIA-RDP57-00384R000500140032-9